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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,381	11/06/2003	Richard S. Chomik	PLA-116(CIP)	1816

7590 01/26/2006

CHARLES RUGGIERO, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE
ONE LANDMARK SQUARE
10TH FLOOR
STAMFORD, CT 06901

EXAMINER

SMALLEY, JAMES N

ART UNIT PAPER NUMBER

3727

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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Richard S. Chemik

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EXAMINER

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20060111

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Commissioner for Patents

Notice of Non-Responsive Amendment

Art Unit: 3727

DETAILED ACTION

Election/Restrictions

1. The amendment filed on 12 September 2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the applicant canceled claims 12-32 which appeared to have been drawn to the embodiment including the plunger, and which were previously withdrawn in a reply filed 21 March 2005. For example, withdrawn claim 23 contained the limitation "a plunging means for moving the twisted tubing downwardly to create new space for enclosing another waste packet," which appears to correlate to limitation "a plunger operably connected to said gear assembly, wherein actuation of said actuator causes said gear assembly to rotate said cartridge and twist the storage film, and wherein said plunger lowers the storage film when said actuator is actuated," in new claim 68.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 68-84 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N. Smalley whose telephone number is (571) 272-4547. The examiner can normally be reached on M-Th 9-6:30, Alternate Fri 9-5:30.

Art Unit: 3727

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jns



NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER